IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 10TH JANUARY 2007 / 20TH PAUSHA 1928

WP(C).No. 27118 of 2006(C)

PETITIONER:

BINNY K.T.,
KOKKAN HOUSE, VALAPPAD P.O.

BY ADV. SRI.P.C.IYPE
SRI.GEORGE MECHERIL
SRI.K.BIJU
SRI.V.GIRISHKUMAR

RESPONDENTS:

THE SECRETARY (SPECIAL GRADE),
NATTIKA GRAMA PANCHAYAT P.O.,
VALAPPAD-682 056.

ADDL.R2 K.R.SANTHOSH, S/O. RAMACHANDRAN,
KALLONGAL DESOM, NATTIKA VILLAGE,
CHAVAKKAD TALUK, THRISSUR.

(R2 IS IMPLEADED VIDE ORDER IN I.A.NO.15352/06 DATED 22.11.2006)

ADDL.R3 ENVIRONMENTAL ENGINEER,
KERALA STATE POLLUTION CONTROL BOARD
DISTRICT OFFICE, THRISSUR.

ADDL.R4 DISTRICT MEDICAL OFFICER (HEALTH),
THRISSUR.

(ADDL.R3 AND R4 ARE IMPLEADED AS PER EORDER IN I.A.NO.16412/06 DATED 27.11.2006)

BY G.P. SRI.MATHEW G.VADAKKAL
BY ADV. SRI.S.P.ARAVINDAKSHAN PILLAY
SMT.N.SANTHA
SRI.K.A.BALAN

SRI.PETER JOSE CHRISTO
SRI.RAJIT
SRI.T.B.CHANDRABABU
SRI.M.K.CHANDRAMOHANDAS SC OCB

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) No. 27118 OF 2006

Dated this the 10th day of January, 2007

JUDGMENT

The Standing Counsel for the Pollution Control Board will serve copies of the report submitted by the Pollution Control Board on Mr.Rajit and also on Sri.Aravindakshan Pillai.

Even though several grounds have been raised by the Writ Petitioner impugning Ext.P7, the ground that Ext.P7 has been issued without notice to the petitioner has much appeal. Therefore without expressing any opinion on the merits of the other grounds raised, this Writ Petition will stand disposed of in the following terms:

The Panchayat will receive objections from the petitioner, take into account the reports of the District Medical Officer of Health and of the additional 3rd respondent-Environmental Engineer of the Pollution Control Board which is filed before this Court and any other relevant material, hear the petitioner and also the additional 2nd respondent and take a fresh decision on the issue. This, the Panchayat will do at their earliest and at any rate within two months of receiving copy of his judgment and also copies of the relevant materials including the report of the Environmental Engineer and DMO. In order to enable the Panchayat to comply with the above directions, Ext.P7 is quashed. If the

Environmental Engineer of the Pollution Control Board conducts a further inspection as submitted by the counsel for the petitioner, then the Panchayat will consider the report of that inspection also before taking decision.

PIUS C. KURIAKOSE, JUDGE

btt